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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,000	02/10/2004	Thomas L. Meier	7016R-000020	9092

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/776,000

Applicant(s)

MEIER ET AL.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Therefore, the Examiner recommends removing "is disclosed" from line 1 of the Abstract.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US 6,264,227) in view of Gerzanich (US 3,884,019).**

Regarding claim 1, Johnson discloses a turf care machine, disclosed by Johnson as tractor (1) which can be an agricultural machine (Col 2, lines 66-67) such as a harvester (Col 3, line 11). The machine comprises a body (seen as the front and rear tractor sections) with an engine (in engine compartment 32) and a plurality of track drives coupled to the engine (seen as rear tracks 12 in Fig. 1). Johnson fails to disclose a mower deck. Gerzanich teaches a mower deck used on a turf care machine having a plurality of track drives, seen as mower assembly (20) in Fig. 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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modify the agricultural machine of Johnson to include a mower deck as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches that a mower assembly on a track vehicle has the advantage of enabling the vehicle to negotiate and travel upon surfaces which are not readily accessible to conventional vehicles (Col 2, lines 58-61).

Regarding claim 2, a first body portion is seen as front tractor section (20) which is coupled to a second body portion, seen as the rear tractor section (30), by a pivot (20).

Regarding claims 3 and 20, Johnson fails to disclose the track drive exerting a downward pressure of less than 8 psi on a turf surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the downward pressure the track drive exerts on the turf surface in Johnson to be less than 8 psi, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 4, front tractor section (20) has a pair of front tracks (14) seen in Fig. 1, and a pivot (20) between the front and rear tractor sections.

Regarding claim 5, the second portion, seen as rear tractor section (30) has a pair of track drives, seen as tracks (12), coupled to engine compartments (32) as seen in Fig. 1.

Regarding claim 6, the rear tractor (30) has a pair of rear track drives (12).

Regarding claim 7, Johnson fails to disclose the front portion comprising a power coupling which functions to couple a powered implement to the turf care machine. Instead, Johnson discloses an attachment at the rear hitch (34) for an agricultural implement. But Gerzanich teaches a power coupling at the front portion to couple a mower assembly (20) as seen in Fig. 1, in order to have the advantages of observing the operation (Col 3, lines 32-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the agricultural machine of Johnson to include a power coupling at the front portion to couple a powered implement thereto, as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches a mower assembly at the front of the vehicle, as shown in Figs. 1 and 2, so the operator can observe the operation to negotiate the operation of the mower (Col 3, lines 32-46).

Regarding claim 8, Grezanich discloses a powered implement, seen as mower assembly (30) with angular blades.

Regarding claim 9, Johnson discloses a self-propelled turf care machine comprising an engine, body with a front portion and rear portion coupled thereto, as discussed with regards to claim 1 above, and a track drive coupled to the engine seen as rear tracks (12) coupled to engine compartment (32). Johnson fails to disclose a powered turf care implement coupled to the engine. Gerzanich teaches a mower assembly (20) used on a turf care machine having a plurality of track drives as seen in Fig. 1. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the agricultural machine of Johnson to include a powered turf care implement coupled to the engine as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches that a mower assembly on a track vehicle has the advantage of enabling the vehicle to negotiate and travel upon surfaces which are not readily accessible to conventional vehicles (Col 2, lines 58-61).

Regarding claim 10, the front tractor section (20) has front tracks (14).

Regarding claim 11, the rear tractor section (30) has rear tracks (12).

Regarding claim 12, the rear tracks (12) are coupled to engine compartment (32).

Johnson states that the engine is not shown in the figures (Col 3, line 14).

Regarding claim 13, Johnson discloses a transmission in column 3, lines 14-16.

Regarding claim 14, Johnson fails to disclose a lawn mower head. Gerzanich teaches a mower assembly (20) used on a turf care machine having a plurality of track drives as seen in Fig. 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the agricultural machine of Johnson to include a lawn mower head as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches that a mower assembly on a track vehicle has the advantage of enabling the vehicle to negotiate and travel upon surfaces which are not readily accessible to conventional vehicles (Col 2, lines 58-61).

Regarding claim 15, Johnson fails to disclose the track drive system coupled to the engine by a pulley and belt system. Gerzanich teaches the mower operated by a

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drive pulley (25) which drives a belt (26) (Col 4, lines 20-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive train used by Johnson to include a drive pulley and belt as taught by Gerzanich, since a pulley and belt operation is a commonly used means of operating a track drive system.

Regarding claim 16, Gerzanich discloses belts (26) for the tracks, which have to be somehow supported to maintain their position, which can be termed a support fin.

Regarding claim 17, Gerzanich discloses a pulley (25).

Regarding claim 18, Fig. 1 illustrates a triangular track.

Regarding claim 19, Gerzanich teaches an oval track as shown in Figs. 1 and 2.

Regarding claim 21, Gerzanich teaches raising and lowering a mower assembly (see Figs. 1 and 2) to provide for greater accessibility and mobility, particularly when cutting on inclined surfaces (Col 1, lines 60-63 and Col 2, lines 1-17).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.



**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
11/23/04